

**GOLDENBERG, MACKLER, SAYEGH, MINTZ,  
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Attorneys for Phyllis Eichner (68336(1))

**BY:** /s/ Francis J. Ballak  
*FRANCIS J. BALLAK, ESQUIRE. (FJB2746)*

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

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IN RE:	:	CHAPTER 11
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<b>BED BATH &amp; BEYOND INC., et al.</b>	:	CASE NO. 23-13359
	:	
<i>Debtors</i>	:	JUDGE: VINCENT F. PAPALIA

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**CERTIFICATION OF COUNSEL IN SUPPORT OF MOTION FOR RELIEF**

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I, Franics J. Ballak, Esquire, hereby certifies as follows:

1. I am an attorney duly licensed and admitted to practice law in the State of New Jersey and a partner with the law firm of Goldenberg, Mackler. My firm and specifically Michael J. Mackler, Esquire is counsel of record for the Plaintiff, Phylliss Eichner, with regards to a personal injury claim which has been filed in Superior Court of New Jersey.

2. Attached hereto as **Exhibit “A”** is a true copy of the initial Complaint and Jury Demand filed in the Superior Court of New Jersey in Atlantic County on July 19, 2021.

3. As indicated therein, it was asserted that the Plaintiff, Phyllis Eicher, was injured on or about September 25, 2020 as a patron/business invitee in a Bed Bath & Beyond store location located in Mays Landing, New Jersey. At the time of the injury, it is believed that the Debtor

maintained certain insurance through Safety National Casualty Corp. under a certain property. Attached hereto as **Exhibit “B”** is a copy of the declaration page for the referenced policy believed to be applicable.

4. Since the filing of the Complaint the Debtor, Bed Bath & Beyond, Inc. has been represented by counsel. A copy of the Defendant’s Answer which was filed back on January 7, 2022 is attached hereto as **Exhibit “C”**.

5. In November of 2022 a Third Amended Complaint had been filed which named certain additional parties as Defendants. (See Third Amended Complaint attached hereto as **Exhibit “D”**).

6. Despite efforts, as of the present moment, there has not been an ability to obtain a full copy of the underlying policy. It is therefore requested that the Debtor be compelled to provide a full copy of the policy referenced under the declaration page attached above.

7. As it is believed insurance coverage for the claims asserted on behalf of Ms. Eichner exists, it is further requested that the Court modify the automatic stay to allow the claims of Phyllis Eichner to resume in State Court with any Judgment against the Debtor being limited to the extent of available insurances.

8. I declare under penalty of perjury that the foregoing is true and correct.

**GOLDENBERG, MACKLER, SAYEGH, MINTZ,  
PFEFFER, BONCHI & GILL**  
Attorneys for Phyllis Eichner

Dated: August 18, 2023

/s/ Francis J. Ballak  
FRANCIS J. BALLAK, ESQUIRE (FJB2746)